

**CITY OF MATTOON, ILLINOIS**  
**CITY COUNCIL AGENDA**  
**February 20, 2007**

**6:30 PM Work Study Caucus Session Discussion**

- Pending Council Agenda Items

**7:00 PM Business Meeting**

**Pledge of Allegiance**

**Roll Call**

**7:00 P.M. 1<sup>st</sup> PUBLIC HEARING:** Consider the adoption of the Business District Plan and Business District Project for the South Route 45 Business District and the creation of a Business District.

**CONSENT AGENDA:**

*Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.*

**Minutes of the regular meeting February 6, 2007**

**Treasurer's Reports for the month of January**

**Payroll and Bills for the first half of February 2007**

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

*This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.*

**NEW BUSINESS:**

**Motion – Adopt Special Ordinance 2007-1197: Authorizing the rezoning of 1713 Marshall Avenue and 604 Lake Land Blvd from C2 (Accommodation Commercial) to C3 (Service Commercial). Ken Diepholz, Sr.- Petitioner (White)**

**Motion – Adopt Special Ordinance 2007-1198: Authorizing a variance of rear yard setback requirements located at 1100, 1104, 1108, & 1120 Charleston Avenue and 113 S. 11<sup>th</sup> Street. James Burch and Roy Williams/Family Video – Petitioners (White)**

**Motion – Approve Council Decision Request 2007-716: Referring a draft amendment of the City’s Comprehensive Plan to the Planning Commission in order to meet the requirements of the Tax Increment Financing and Business District Acts; directing the Planning Commission to forward their recommendations to the City Council by March 12, 2007; and approving a contract in the amount of \$3,000 for the technical services provided by PGAV. (White)**

**Motion – Approve Council Decision Request 2007-717: Awarding bid for 42 bullet-proof vests to Ray O’Herron Co., Inc. from Danville, Illinois in the amount of \$24,990.00 to be paid with the Federal Bullet Proof Vest Partnership Grant Program and Federal Sharing (Omega) funds. (White)**

**Motion – Approve Council Decision Request 2007-718: Authorizing a \$22,015.90 procurement from Midwest Meter for radio-read water meters needed to fully automate the meter reading function. (Schilling)**

**Motion – Adopt Resolution 2007-2683: Approving an update to the City’s Equal Employment Opportunity Plan. (White)**

**Motion - Adopt Special Ordinance 2007-1199: Authorizing the mayor to sign a grant agreement by and between the City of Mattoon and the Apostolic Church – Time Theater Bldg. that would reimburse up to \$40,440.00 over a ten year period from future TIF Revenues for costs of tuckpointing the exterior masonry surfaces and a new roof system for a building located at 1416 Broadway Avenue. This grant would become payable when construction is complete and property tax increment revenues are received from the development in the Mid-town TIF Redevelopment District. (Cline)**

**Motion – Adopt Special Ordinance 2007-1200: Authorizing the mayor to sign a grant agreement by and between the City of Mattoon and the Steve Hardin d/b/a Jack & Bills Clothing that would reimburse up to \$38,180.00 over a ten year period from future TIF Revenues for costs of a new façade with new signage on the front and back along with emergency structural**

repairs to the store's rear entrance for a building located at 1628 Broadway Avenue. This grant would become payable when construction is complete and property tax increment revenues are received from the development in the Mid-town TIF Redevelopment District. (Cline)

**Motion – Adopt Special Ordinance 2007-1201: Authorizing the mayor to sign a grant agreement by and between the City of Mattoon and Renee England d/b/a Merle Norman Cosmetics that would reimburse up to \$2,000.00 from future TIF Revenues for costs of a replacement awning and exterior lighting for a building located at 1608 Broadway Avenue. This grant would become payable when construction is complete and property tax increment revenues are received from the development in the Mid-town TIF Redevelopment District. (Cline)**

**Motion – Adopt Special Ordinance 2007-1202: Authorizing the mayor to sign a grant agreement by and between the City of Mattoon and Mike Kallis d/b/a Sound Source Music that would reimburse up to \$5,000.00 from future TIF Revenues for costs of a structural analysis of the building to determine the feasibility of modifying the façade to eliminate one of the entrances and relocating wall to convert upper story space into apartments for a building located at 1609 Broadway Avenue. This grant would become payable when construction is complete and property tax increment revenues are received from the development in the Mid-town TIF Redevelopment District. (Cline)**

**Recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the purchase or lease of real property (5 ILCS 120(2)(c)(5)); and the price for sale or lease of property (5 ILCS 120(2)(c)(6)). (White)**

**Reconvene**

**Adjourn.**

***Topics Tentatively Scheduled for Agenda of 03/01/07 Special Council Meeting:  
(School Administration Building-1701 Charleston Avenue; Board Room 8:30 a.m.)***

***Consider strategies for the budget for the fiscal year that begins May 1, 2007 and ends April 30, 2008 (Budget Discussion; Capital Improvements; Vehicle replacement plan; health care issues) and other issues including personnel code review; department heads' five-year plans.***

***Adjourn to 8:30 a.m. on 03/02/2007 at the School Administration Building to further discuss agenda topics.***

## **UNAPPROVED MINUTES:**

The Buxton ID Presentation – Retail Recruitment Proposal began at 6:16 p.m.- In attendance in person were Mayor White, Commissioner Cline, Commissioner Ervin (6:18 p.m.), Commissioner McKenzie, Commissioner Schilling, Administrator Gilmore, Attorney/Treasurer Owen, Police Chief Metzelaars, Director Wortman (6:28 p.m.) and Clerk O'Brien. Mr. Matthew P. Montgomery of Buxton CommunityID made a public presentation to the Council in the City Hall Council Chambers, providing an overview of Buxton as a retail site selection provider; and describing their three step process as 1. Trade areas; 2. Identifying customers; and 3. Matching Customers to Retailers. Mr. Montgomery opened the floor for questions with the Council and public posing questions. Mr. Montgomery disclosed the cost for the City of Mattoon and the City of Charleston in a joint venture as \$85,000. Administrator Gilmore recommended possible ways to reduce Mattoon's portion of the cost by selling the information to other proprietors.

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 6, 2007 at 6:59 p.m. after a 6:48 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Michael Chism, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

### **CONSENT AGENDA:**

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Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting January 16 and special meeting January 30, 2007; Fire Department report for the month of January, and HOME Rehab Expenditures.

**Bills and Payroll for the last half of January**

<b><u>General Fund</u></b>			
Payroll			\$ 244,318.44
Bills			<u>\$ 55,399.40</u>
	Total		\$ 299,717.84
<b><u>Hotel Tax Fund</u></b>			
Payroll			\$ 1,498.54
Bills			<u>\$ 41,531.49</u>
	Total		\$ 43,030.03
<b><u>Insurance &amp; Tort Judgment</u></b>			
Bills			<u>\$ 838,682.00</u>
	Total		\$ 838,682.00
<b><u>Midtown TIF Fund</u></b>			
Bills			<u>\$ 10,631.81</u>
	Total		\$ 10,631.81
<b><u>Capital Project Fund</u></b>			
Bills			<u>\$ 10,967.96</u>
	Total		\$ 10,967.96
<b><u>Water Fund</u></b>			
Payroll			\$ 27,026.81
Bills			<u>\$ 28,249.28</u>
	Total		\$ 55,276.09
<b><u>Sewer Fund</u></b>			
Payroll			\$ 24,987.40
Bills			<u>\$ 12,055.60</u>
	Total		\$ 37,043.00
<b><u>Cemetery Fund</u></b>			
Payroll			\$ 3,113.98
Bills			<u>\$ 1,680.42</u>
	Total		\$ 4,794.40
<b><u>Revolving Loan Fund</u></b>			
Bills			<u>\$ 225.00</u>
	Total		\$ 225.00
<b><u>Health Insurance</u></b>			
Bills			<u>\$ 67,423.12</u>
	Total		\$ 67,423.12

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

## **PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

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There was no public discussion.

## **NEW BUSINESS**

Commissioner McKenzie seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1194, declaring certain public works property as surplus property, authorizing the advertising and approving the Public Works Director to use the most effective means of disposal.

### **CITY OF MATTOON, ILLINOIS**

#### **SPECIAL ORDINANCE NO. 2007-1194**

#### **AN ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE MUNICIPALITY SURPLUS AND AUTHORIZING ITS SALE**

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The following vehicles have been identified and are hereby declared surplus to the needs of the City of Mattoon; 1982 Ford F150 (1FTDF15G3CLA27286), 1993 Chevy 2500 (1GCGK24K7PE196872), 1993 Chevy 3500 (1GBHC34J2PE229019), 1989 Chevy Blazer (1GNCT18Z2K0139411).

**Section 2.** The City of Mattoon, Illinois does not express any warranty or imply any statement of condition in regard to this vehicle.

**Section 3.** The Mayor and City Clerk are hereby authorized to administratively sell and convey title to the property listed on the exhibits to this ordinance to the highest bidder without further formal consideration or approval by the City Council.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner McKenzie, seconded by Commissioner Cline, adopted this 6<sup>th</sup> day of February, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 6<sup>th</sup> day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA  
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt  
Special Ordinance 2007-1195, authorizing the sale of surplus real estate owned by the  
municipality at Lake Mattoon to Donato Ciadella.

## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2007-1195**

#### **AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY AT LAKE MATTOON TO DONATO CIADELLA**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to  
accept any contract proposal determined by them to be in the best interest of the

municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2007-2679, adopted January 16, 2007, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Donato Ciadella has made an offer to purchase the property for \$3,560; and

**WHEREAS**, Donato Ciadella owns the adjacent property and his is the only property capable of providing access to property being sold; and

**WHEREAS**, Ronald C. Rardin of Ealy's Appraisals determined \$3,560 was the fair market value of the real estate as of January 5, 2007.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Standard Bank and Trust #18261 (as the proxy of Donato Ciadella), subject to a payment in the amount of \$3,560. The purchase price will be due at closing. Donato Ciadella shall assume financial responsibility for the costs of the final search, policy fee and a \$3,560 title insurance policy issued by Wetzel Land Title Services, Inc. that insures Buyer that the municipality has sufficient title to sell this real property. The City of Mattoon will pay for the preliminary title search completed by Wetzel Land Title Services, Inc., and;

**Section 2.** The real estate to be conveyed pursuant to this ordinance is legally described as:

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian being more particularly described as follows:

Commencing at the northwest corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian; thence azimuth 180 degrees 18 minutes 54 seconds (based on previous local surveys) along the west line of said Quarter-Quarter (¼-¼) a distance of 794.0 feet to the northeast corner of Lot One (1) of Lake Hills Subdivision, Shelby County, Illinois and the point of beginning; thence azimuth 91 degrees 8 minutes 10 seconds along the extension of the north line of said Lot One (1) a distance of 76.40



feet; thence azimuth 180 degrees 12 minutes 36 seconds a distance of 25.21 feet thence azimuth 224 degrees 45 minutes 53 seconds a distance of 11.79 feet; thence azimuth 210 degrees 21 minutes 45 seconds a distance of 39.58 feet; thence azimuth 198 degrees 16 minutes 38 seconds a distance of 42.90 feet; thence azimuth 215 degrees 15 minutes 18 seconds a distance of 27.41 feet; thence azimuth 239 degrees 6 minutes 56 seconds a distance of 7.41 feet; thence azimuth 171 degrees 18 minutes 15 seconds a distance of 8.71 feet; thence azimuth 245 degrees 33 minutes 20 seconds a distance of 15.92 feet to the east line of said Lot One (1); thence azimuth 0 degrees 18 minutes 54 seconds along said east line a distance of 151.37 feet to the point of beginning, situated in Ash Grove Township, Shelby County, Illinois and containing 7119 square feet (0.16 acres) more or less.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 6<sup>th</sup> day of February, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White  
NAYS (Names): None  
ABSENT (Names): None

Approved this 6<sup>th</sup> day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA  
Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-712, ratifying the appointment of Keith Summers to the Tourism Board to fill the unexpired term of Paul Saegesser ending 09-01-07; and ratifying the appointment of Penny Youngblood to the Festival Management Committee to fill the unexpired term of Pat Gaines ending 04-30-2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1196, approving an interest rate and terms for a \$91,000 loan from the Revolving Loan Fund to John and Donna Craig d/b/a Shimerz Glass and Mirror to assist with the purchase of equipment, inventory, and working capital at the Shimerz Facility located at 1616 Lake Land Blvd., Mattoon, Illinois.

## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2007-1196**

#### **AN ORDINANCE APPROVING AN INTEREST RATE AND TERMS FOR A \$91,000 LOAN FROM THE REVOLVING LOAN FUND TO JOHN AND DONNA CRAIG (DBA AS SHIMERZ GLASS AND MIRROR) TO ASSIST WITH THE PURCHASE OF EQUIPMENT, INVENTORY AND WORKING CAPITAL AT THE SHIMERZ FACILITY IN THE CITY OF MATTOON, ILLINOIS**

**WHEREAS**, the City of Mattoon has a Community Development Assistance Program (CDAP) Revolving Loan (RLF) Program, and,

**WHEREAS**, John and Donna Craig, have submitted a Revolving Loan Fund (RLF) Application for RLF funds in the amount of ninety-one thousand dollars (\$91,000) for the purchase of equipment, inventory and working capital to be located at the Shimerz commercial facility located at 1616 Lake Land Boulevard in the City of Mattoon, Illinois and,

**WHEREAS**, the Mattoon Revolving Loan (RLF) Committee has reviewed said RLF Application and recommends City Council approval in accordance with applicable Federal, State and Local guidelines and subject to certain conditions,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1.** That the City Council hereby approves the John and Donna Craig RLF loan

request in the amount of ninety-one thousand dollars (\$91,000) for a fixed annual interest rate of 3% for a term of ten (10) years for the purchase of equipment, inventory and working capital.

**Section 2.** The Municipal Clerk is hereby directed to file a certified copy of this ordinance in the City Revolving Loan File.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Cline adopted this 6th day of February, 2007, by a roll call vote, as follows:

AYES (Names):      Commissioner Cline, Commissioner Ervin,  
                             Commissioner McKenzie, Commissioner Schilling,  
                             Mayor White  
NAYS (Names):      None  
ABSENT (Names):   None

Approved this 6th day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7<sup>th</sup>, 2007.

Attachment (1)

Report from the Administrator of the Revolving Loan Fund

#### MEMO

TO:                      City of Mattoon IL RLF Committee

FROM:                Doug McDermid - Director, Coles Co Reg Planning (Mattoon RLF Coordinator)

DATE:                January 24, 2007

SUBJECT: John & Donna Craig (Shimerz Mirror and Glass: Equip, Invent & Working Capital).

I have reviewed the above referenced Mattoon RLF Loan Application for John and Donna Craig and would like to relate the following:

1. TOTAL PROJECT COST: \$ 182,000
2. PROPOSED SOURCE OF FUNDS: \$ 72,829 – 1<sup>st</sup> Nat'l Bank, Mattoon IL\*  
\$ 91,000 - RLF  
\$ 18,203 – Owner Equity  
\* = includes \$29,131 SBA 504 Commitment
3. PROPOSED FUNDS USE: *RLF*: "Equipment, Inventory & Working Capital"  
*Bank*: " "  
*Owner Equity*: " "
4. TERM & INTEREST RATE: *Bank*: Market rate, 20 year term  
*RLF*: 3% fixed, 10 yr term
5. COLLATERAL: *Bank*: 1<sup>st</sup> Blanket Lien on Equipment (SBA = 2<sup>nd</sup> Blanket Lien on Equipment), Owners Personal Guarantee *CDAP*: 3<sup>rd</sup> Blanket Lien on Equip, Own. Personal Guarantee
6. REASON FOR RLF PARTICIPATION: Bank & Owner Equity cannot finance entire amount, "gap" financing needed.
7. NUMBER OF FULL TIME EQUIVALENT (FTE) JOBS TO BE CREATED: 12 Full-Time-Equivalent (FTE) jobs created over 2 yrs (at least 7 or 51% "low/mod")
8. REMARKS/RECOMMENDATION: Coles County Regional Planning Commission (CCRP&DC) recommends approval based on above structure.

Mayor White opened the floor for discussion. Commissioner Schilling inquired as to the number of additional employees. Mr. Craig responded with five current and 12 additional employees. Commissioner Ervin and Mayor White praised the project.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-713, accepting the recommendations of the Mid-town Incentive Review Committee for the following projects:

Steve Hardin dba Jack & Bills Clothing (1628 Broadway) for \$38,180\*;  
Robert Duncan (1824 Broadway) for \$28,680\*;  
Apostolic Church-Time Theater Bldg. (1416 Broadway) for \$40,440\*;  
Cory Sander dba Sander's Real Estate (1400, 1402, 1404 Broadway) for \$54,680\*;  
Mike Kallis dba Sound Source Music (1609 Broadway) for up to \$5,000;  
Renee England dba Merle Norman Cosmetics (1608 Broadway) for up to \$2,000

(\* The funds of these projects are allocated over ten-year terms.)

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA  
Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2007-714, approving the hiring of probationary police officers Andrew D. Warner, and Ryan C. Koop, pending passage of a medical exam, effective February 18, 2007. Mayor White announced the next PTI training commences February 18, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA  
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-715, approving specifications, a cost estimate and authorizing a competitive solicitation for bids for the repair of the brick structural wall at 1611 Broadway d/b/a D to Z sports in the Midtown TIF District.

Mayor White opened the floor for discussion. Mr. Herb Meeker of the Mattoon Journal Gazette inquired if the repaired wall was the west wall. Mayor White answered affirmatively. Attorney/Treasurer Owen added the wall was common and the City owned half of the wall.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA  
Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2007-2680, establishing the date, time, and place for a Public Hearing for the Proposed Mattoon South Route 45 Tax Increment Finance District.

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**CITY OF MATTOON, ILLINOIS**  
**RESOLUTION No. 2007 -2680**

**A RESOLUTION OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS (1) ESTABLISHING THE DATE, TIME AND PLACE OF A PUBLIC HEARING ON THE ADOPTION OF ORDINANCES APPROVING A REDEVELOPMENT PLAN AND A REDEVELOPMENT PROJECT AREA AND ADOPTING TAX INCREMENT FINANCING FOR AN APPROXIMATELY 139.7 ACRE AREA GENERALLY LOCATED WITHIN THE FOLLOWING BOUNDARIES WITHIN THE CITY: A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS.**

**LEGAL DESCRIPTION**  
**FOR**  
**SOUTH ROUTE 45 TIF DISTRICT**  
**MATTOON, ILLINOIS**

**A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 87° 47' 27" EAST, 138.40 FEET ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN WARRANTY DEED ON DOCUMENT NUMBER 681624 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE NORTH 87° 47' 27" EAST, 447 FEET MORE OR LESS**

ALONG THE NORTH LINE OF SAID TRACT TO A POINT BEING ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19 STATION 67+22.2, 33 FEET LEFT; THENCE SOUTHEASTERLY 66.00 FEET TO THE SOUTHEASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19; THENCE ALONG THE SOUTHEASTERN RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT IN A SOUTHWESTERN DIRECTION, CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 227.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH ALONG THE EASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19, 869.23 FEET TO A POINT OF CURVATURE AT S.A. ROUTE 19 STATION 55+72.93, 33 FEET RIGHT; THENCE ALONG THE SOUTHEASTERN RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, CONCAVE TO THE NORTHWEST WITH A RADIUS OF 263.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERN RIGHT-OF-WAY OF S.B.I. ROUTE 25 (US ROUTE 45); THENCE SOUTHERLY ALONG THE EASTERN RIGHT-OF-WAY LINE OF S.B.I. ROUTE 25 (US ROUTE 45) AS MONUMENTED AND OCCUPIED ON THE FOLLOWING DESCRIBED COURSES: SOUTHERLY TO S.B.I. ROUTE 25 STATION 31+63.93, 200.00 FEET LEFT; WESTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 31+63.93, 146.22 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 41+66, 125 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 57+49.91, 147 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 62+00, 120 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 68+55, 120 FEET LEFT; WESTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 68+55, 117 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 70+63, 117 FEET LEFT; EASTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 70+63, 150 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 72+82.51, 150 FEET LEFT; THENCE WESTERLY TO THE SOUTHEAST CORNER OF LOT 2 OF LAKELAND DEVELOPMENT PHASE I AS RECORDED ON DOCUMENT NUMBER 605697 ON PLAT BOOK 5 AT PAGE 165, POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF S.B.I. ROUTE 25 (U.S. ROUTE 45); THENCE SOUTH 89° 39' 03" WEST, 196.07 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE EAST LINE OF LAKER AVENUE; THENCE CONTINUE SOUTH 89° 39' 03" WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE NORTH 00° 20' 57" WEST, 483.56 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID LAKELAND DEVELOPMENT PHASE I, POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE SOUTH 89° 39' 03" WEST, 462.5 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE NORTH 00° 20' 57" WEST, 244.00 FEET ALONG THE EAST LINE OF LOT 12 AND THE SOUTHERN EXTENSION THEREOF TO THE NORTHEAST CORNER OF LOT 12 OF SAID LAKELAND DEVELOPMENT PHASE I; THENCE SOUTH 89° 39' 03" WEST, 105 FEET ALONG THE NORTH LINE OF SAID LOT 12 TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 00° 20' 57" EAST, 244.00 FEET ALONG THE WEST LINE OF SAID LOT 12 AND SOUTHERN EXTENSION

THEREOF TO THE SOUTH LINE OF LAKER AVENUE; THENCE SOUTH 89° 39' 03" WEST, 340.50 FEET ALONG THE SOUTH LINE OF SAID LAKER AVENUE TO THE NORTHWEST CORNER OF LOT 11 OF SAID LAKELAND DEVELOPMENT PHASE I; THENCE SOUTH 00° 20' 57" EAST, 184.00 FEET ALONG THE WEST LINE OF LOT 11 TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 89° 39' 03" WEST, 910.73 FEET ALONG THE WESTERLY EXTENSION OF THE SOUTHERN LINE OF LOTS 4 THROUGH 11 OF SAID LAKELAND DEVELOPMENT PHASE I TO AN IRON PIN IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF F.A.I. ROUTE 57; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERN RIGHT-OF-WAY AS MONUMENTED AND OCCUPIED TO F.A.I. ROUTE 57 STATION 490+00, 125 FEET RIGHT; THENCE NORTHEASTERLY 500.4 FEET ALONG THE SAID SOUTHEASTERN RIGHT-OF-WAY LINE TO F.A.I. STATION 495+00, 145.00 FEET RIGHT; THENCE NORTHEASTERLY TO THE NORTHWESTERN RIGHT-OF-WAY LINE OF F.A.I. ROUTE 57 AS MONUMENTED AND OCCUPIED AT STATION 496+45, 156.50 LEFT, POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO THE SOUTHWEST CORNER OF A TRACT AS DESCRIBED IN A TRUSTEE'S DEED ON BOOK 874 AT PAGE 300 ON DOCUMENT NUMBER 567599 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE EASTERLY, 310 FEET ALONG THE SOUTH LINE OF SAID TRACT ON DOCUMENT NUMBER 567599 TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE NORTHERLY 702.50 FEET ALONG THE EAST LINE OF SAID TRACT ON DOCUMENT NUMBER 567599 TO THE NORTHEAST CORNER OF SAID TRACT; THENCE WESTERLY 10.00 FEET ALONG THE NORTH LINE OF SAID TRACT ON DOCUMENT NUMBER 567599 TO THE SOUTHEAST CORNER OF A TRACT AS DESCRIBED IN A DEED LABELED TRAILER PARK PROPERTY ON BOOK 788 AT PAGE 303 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE NORTHERLY 660 FEET ALONG THE EAST LINE OF SAID TRAILER PARK PROPERTY TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE CONTINUE NORTH 20 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF LAKE PARADISE ROAD; THENCE EASTERLY ALONG THE NORTHERN RIGHT-OF-WAY OF SAID LAKE PARADISE ROAD TO THE SOUTHWEST CORNER OF THE L & K MOTEL PARCEL AS DESCRIBED IN A TRUSTEE'S DEED AS TRACT II ON DOCUMENT NUMBER 593383 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID L & K MOTEL PARCEL ON THE FOLLOWING DESCRIBED COURSES: NORTH 00° 04' 13" WEST, 375.76 FEET ALONG THE WESTERN BOUNDARY LINE OF L & K MOTEL PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH 89° 43' 50" EAST, 155.17 FEET ALONG THE NORTHERN BOUNDARY LINE OF L & K MOTEL PARCEL TO THE NORTHEAST CORNER OF SAID L & K



**MOTEL PARCEL, POINT ALSO BEING THE NORTHWEST CORNER OF L & K RESTAURANT PARCEL AS DESCRIBED AS TRACT I ON DOCUMENT NUMBER 593383 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE SOUTH 89° 43' 50" EAST, 145.78 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF S.B.I. ROUTE 25 (U.S. ROUTE 45); THENCE NORTHERLY 950.13 FEET MORE OR LESS TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 14+85, 100 FEET RIGHT; THENCE EASTERLY TO THE POINT OF BEGINNING, ENCOMPASSING 139.7 ACRES, MORE OR LESS, CONTAINING 53.5 ACRES, MORE OR LESS, OF RIGHT-OF-WAY AREA.**

**NET AREA OF TIF DISTRICT WHICH EXCLUDES EXISTING RIGHT-OF-WAY IS 86.2 ACRES, MORE OR LESS.**

**PREPARED BY: HDC ENGINEERING, LLC  
201 W. SPRINGFIELD AVE.  
CHAMPAIGN, IL 61820  
DATE: FEBRUARY 2, 2007  
HDC PROJECT NO.: 06491**

**(2) PROVIDING FOR THE GIVING OF PUBLIC NOTICE OF SUCH HEARING,  
AND**

**(3) CONVENING AND PROVIDING FOR THE GIVING OF NOTICE OF A  
MEETING OF A JOINT REVIEW BOARD TO MAKE A RECOMMENDATION TO  
THE CITY CONCERNING SUCH PROPOSED PLAN, PROJECT AND PROJECT  
AREA.**

**WHEREAS**, the City is a duly constituted and existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as amended, 65 ILCS 5/11-1-1 *et seq.* (the "**Municipal Code**"); and

**WHEREAS**, the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the "**TIF Act**"), authorizes Illinois municipalities to adopt a redevelopment plan and a redevelopment project and designate a redevelopment project area with improvements to be made pursuant to such redevelopment plan and redevelopment project to be financed through tax increment allocation financing; and

**WHEREAS**, prior to the passage of any ordinance adopting a redevelopment plan or redevelopment project or designating a redevelopment project area, the corporate authorities must hold a public hearing for the purpose of considering comments and hearing and determining protests and objections by interested persons or affected taxing districts; and

**WHEREAS**, notice of the aforesaid public hearing must be given by publication in a newspaper of general circulation and by mailing to affected persons and taxing districts and the Illinois Department of Commerce and Community Affairs; and

**WHEREAS**, under the TIF Act, the City is required to convene a joint review board to make recommendations to the City concerning such proposed plan, project and project area; and

**WHEREAS**, the City has considered the desirability of undertaking a redevelopment project in the 139.7 acre area generally located within the following boundaries of the City: **A TRACT OF**

LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS.

WHEREAS, the City Council has adopted a resolution providing for the engagement of Peckham Guyton Albers & Viets, Inc. ("PGAV") as the City's consultants, and sent a copy of such resolution to each of the taxing districts to which notice is also to be given under Section 2(b) of this resolution; and

WHEREAS, pursuant to the requirements of Section 11-74.4-5 of the TIF Act, the City made available for public inspection on January 26, 2007, in the offices of the City Clerk, a copy of a draft report dated January 25, 2007, entitled "Tax Increment Financing Redevelopment Plan & Project "South Route 45 Redevelopment Project Area" prepared for the City of Mattoon, Illinois by PGAV (the "Eligibility Report") which provided in reasonable detail the basis for the proposed Redevelopment Project Area (as defined in Section 2 below) qualifying as a "blighted area" as defined in the Act; and

WHEREAS, at the request and on behalf of the City, PGAV has prepared the "Tax Increment Financing Redevelopment Plan & Project "South Route 45 Redevelopment Project Area" (the "Project and Plan"), a copy of which is now on file for public inspection at the offices of the City Clerk; and

WHEREAS, the purposes of the Project and Plan within the proposed Redevelopment Project Area are not reasonably expected to displace the residents of ten or more residential units and the City has so certified in the Project and Plan, and there are less than 75 inhabited residential units within the proposed South Route 45 Redevelopment Project Area; and

WHEREAS, the City Council, by Ordinance No. 2002-5154 adopted on November 19<sup>th</sup>, 2002, established an "interested parties" registry for each redevelopment project area created under the TIF Act and not terminated by the City, whether then existing or created after the date of the adoption of the ordinance, including the proposed South Route 45 Redevelopment Area, and adopted registration rules for such registries, all as required by the TIF Act; and

WHEREAS, the City Council, by Special Ordinance 2006-1179, adopted on October 3<sup>rd</sup>, 2006, amended the registration rules and created an interested parties registry for the proposed South Route 45 Redevelopment Project Area; and

WHEREAS, the City Administrator, acting as the designee of the Mayor pursuant to Section 2 of Ordinance No. 2006-1179, (i) created an interested parties registry (the "Registry") for the proposed South Route 45 Redevelopment Project Area, (ii) made available copies of the TIF Interested Parties Registration Form at the principal offices of the City to all persons and organizations interested in registering in the Registry as interested parties for the proposed South Route 45 Redevelopment Project Area, and (iii) caused public notice of the Registry and of the registration rules to be published one time on August 18<sup>th</sup>, 2006, in the Journal Gazette, a newspaper of general circulation in the City and qualified to carry legal notices;

***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, AS FOLLOWS:***

***Section 1. Incorporation of Preambles; Findings of Fact.*** The preambles are incorporated into this resolution by this reference and made a part of this resolution. The City Council of the City adopts the factual statements in the preambles so incorporated as findings of fact.

**Section 2. Authority.** This Resolution is adopted pursuant to the TIF Act.

**Public Hearing.** A public hearing shall be held on April 3, 2007, beginning at 7:00 o'clock p.m. at the City Council Chambers, City Hall, 208 N. 19<sup>th</sup> Street, Mattoon, Illinois 61938-2838, on the adoption of ordinances approving a redevelopment plan and a redevelopment project for and designating as a redevelopment project area (the "**South Route 45 Redevelopment Project Area**") the area (i) legally described in *Exhibit A* and (ii) shown on the map attached as *Exhibit B* and generally located within the following boundaries of the City: **A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS.**

and adopting tax increment financing within the Redevelopment Project Area. At or prior to such public hearing, any interested person or affected taxing district may file written objections with the City Clerk at the above address, and may be heard orally at the public hearing in respect to any issues embodied in the notice. At the public hearing, or at any adjourned session, the City Council will hear and determine all protests and objections presented to it orally or in writing.

**Section 3. Publication and Mailing of Public Notice.** Public notice of the public hearing in substantially the form set forth as *Exhibit C* shall be given as follows:

(a) By publication at least twice in the Journal Gazette or another newspaper published and of general circulation within Coles County, Illinois and the City and of general circulation within each of the taxing districts having property in the proposed South Route 45 Redevelopment Project Area, with the first such publication to be not more than thirty (30) days (March 5, 2007) and not less than ten (10) days (March 21, 2007) prior to the date set for the public hearing.

(b) By certified mail, return receipt requested, to (i) all taxing districts of which taxable property is included within the proposed South Route 45 Redevelopment Project Area, and (ii) the Department of Commerce and Economic Opportunity. Such notice shall include (i) an invitation to each taxing district and to the Department of Commerce and Economic Opportunity to submit comments to the City prior to the public hearing concerning the subject matter of the public hearing, (ii) notice of the initial meeting of the joint review board convened in Section 5 below, (iii) a copy of the draft Eligibility Report, and (iv) a copy of the draft Project and Plan. Such notice shall be mailed on or before February 7, 2007, a date which is not less than forty-five (45) days prior to the date set for the public hearing.

(c) By certified mail, return receipt requested, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel lying within the proposed South Route 45 Redevelopment Project Area. If the general taxes for the preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of such property. Such notice shall be mailed not later than March 21, 2007, a day which is not less than ten days prior to the date set for the public hearing.

(d) By first class mail, addressed to (i) each resident of the proposed South Route 45 Redevelopment Project Area, (ii) each address that the City, after a good faith effort, determines is located within 750 feet of the boundaries of the proposed Redevelopment Project Area, and (iii) each City resident and organization that has properly registered in the Registry. Such notice shall be mailed not later than February 8, 2007 a day which is not less than ten days prior to the date set for the public hearing.

**Section 4. First Joint Review Board Meeting.** The first meeting of the joint review board required under the Act shall be held beginning at 2:00 o'clock p.m., February 21, 2007 at City Council Chambers, City Hall, 208 N. 19<sup>th</sup> Street, Mattoon, Illinois 61938-2838, to review proposed ordinances approving the redevelopment plan, redevelopment project area and redevelopment project, together with the public record and applicable planning documents.

**Section 5. Additional Authority.** The Mayor, the City Clerk, the City Administrator, the City Attorney, and the other officers and employees of the City are each authorized to do such other things consistent with the terms of this Resolution as such officers and employees shall deem necessary or appropriate in order to effectuate the intent and purposes of this Resolution.

**Section 6. Conflicting Ordinances, Etc.** All prior ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Resolution are repealed to the extent of such conflict.

**Section 7. Severability.** If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

**Section 8. Effective Date.** This Resolution shall be in full force and effect immediately upon its adoption.

Upon motion by Mayor White seconded by Commissioner Ervin adopted this 6<sup>th</sup> day of February, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White  
NAYS (Names): None  
ABSENT (Names): None

Approved this 6<sup>th</sup> day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7<sup>th</sup>, 2007.

**EXHIBIT A  
LEGAL DESCRIPTION  
FOR  
SOUTH ROUTE 45 TIF DISTRICT  
MATTOON, ILLINOIS**

**A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 87° 47' 27" EAST, 138.40 FEET ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN WARRANTY DEED ON DOCUMENT NUMBER 681624 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE NORTH 87° 47' 27" EAST, 447 FEET MORE OR LESS ALONG THE NORTH LINE OF SAID TRACT TO A POINT BEING ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19 STATION 67+22.2, 33 FEET LEFT; THENCE SOUTHEASTERLY 66.00 FEET TO THE SOUTHEASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19; THENCE ALONG THE SOUTHEASTERN RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT IN A SOUTHWESTERN DIRECTION, CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 227.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH ALONG THE EASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19, 869.23 FEET TO A POINT OF CURVATURE AT S.A. ROUTE 19 STATION 55+72.93, 33 FEET RIGHT; THENCE ALONG THE SOUTHEASTERN RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, CONCAVE TO THE NORTHWEST WITH A RADIUS OF 263.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERN RIGHT-OF-WAY OF S.B.I. ROUTE 25 (US ROUTE 45); THENCE SOUTHERLY ALONG THE EASTERN RIGHT-OF-WAY LINE OF S.B.I. ROUTE 25 (US ROUTE 45) AS MONUMENTED AND OCCUPIED ON THE FOLLOWING DESCRIBED COURSES: SOUTHERLY TO S.B.I. ROUTE 25 STATION 31+63.93, 200.00 FEET LEFT; WESTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 31+63.93, 146.22 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 41+66, 125 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 57+49.91, 147 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 62+00, 120 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 68+55, 120 FEET LEFT;**

WESTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 68+55, 117 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 70+63, 117 FEET LEFT; EASTERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 70+63, 150 FEET LEFT; SOUTHERLY TO S.B.I. ROUTE 25 (U.S. ROUTE 45) STATION 72+82.51, 150 FEET LEFT; THENCE WESTERLY TO THE SOUTHEAST CORNER OF LOT 2 OF LAKELAND DEVELOPMENT PHASE I AS RECORDED ON DOCUMENT NUMBER 605697 ON PLAT BOOK 5 AT PAGE 165, POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF S.B.I. ROUTE 25 (U.S. ROUTE 45); THENCE SOUTH 89° 39' 03" WEST, 196.07 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE EAST LINE OF LAKER AVENUE; THENCE CONTINUE SOUTH 89° 39' 03" WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE NORTH 00° 20' 57" WEST, 483.56 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID LAKELAND DEVELOPMENT PHASE I, POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE SOUTH 89° 39' 03" WEST, 462.5 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKER AVENUE; THENCE NORTH 00° 20' 57" WEST, 244.00 FEET ALONG THE EAST LINE OF LOT 12 AND THE SOUTHERN EXTENSION THEREOF TO THE NORTHEAST CORNER OF LOT 12 OF SAID LAKELAND DEVELOPMENT PHASE I; THENCE SOUTH 89° 39' 03" WEST, 105 FEET ALONG THE NORTH LINE OF SAID LOT 12 TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 00° 20' 57" EAST, 244.00 FEET ALONG THE WEST LINE OF SAID LOT 12 AND SOUTHERN EXTENSION THEREOF TO THE SOUTH LINE OF LAKER AVENUE; THENCE SOUTH 89° 39' 03" WEST, 340.50 FEET ALONG THE SOUTH LINE OF SAID LAKER AVENUE TO THE NORTHWEST CORNER OF LOT 11 OF SAID LAKELAND DEVELOPMENT PHASE I; THENCE SOUTH 00° 20' 57" EAST, 184.00 FEET ALONG THE WEST LINE OF LOT 11 TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 89° 39' 03" WEST, 910.73 FEET ALONG THE WESTERLY EXTENSION OF THE SOUTHERN LINE OF LOTS 4 THROUGH 11 OF SAID LAKELAND DEVELOPMENT PHASE I TO AN IRON PIN IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF F.A.I. ROUTE 57; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERN RIGHT-OF-WAY AS MONUMENTED AND OCCUPIED TO F.A.I. ROUTE 57 STATION 490+00, 125 FEET RIGHT; THENCE NORTHEASTERLY 500.4 FEET ALONG THE SAID SOUTHEASTERN RIGHT-OF-WAY LINE TO F.A.I. STATION 495+00, 145.00 FEET RIGHT; THENCE NORTHEASTERLY TO THE NORTHWESTERN RIGHT-OF-WAY LINE OF F.A.I. ROUTE 57 AS MONUMENTED AND OCCUPIED AT STATION 496+45, 156.50 LEFT, POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO THE SOUTHWEST CORNER OF A TRACT AS DESCRIBED IN A TRUSTEE'S DEED ON BOOK 874 AT PAGE 300 ON DOCUMENT NUMBER 567599 IN

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PREPARED BY: HDC ENGINEERING, LLC  
201 W. SPRINGFIELD AVE.  
CHAMPAIGN, IL 61820  
DATE: FEBRUARY 2, 2007  
HDC Project No.: 06491

**EXHIBIT B**

***MAP OF SOUTH ROUTE 45 REDEVELOPMENT PROJECT AREA***

[Attach map here]

**EXHIBIT C**

***FORM OF NOTICE OF PUBLIC HEARING***

**PLEASE TAKE NOTICE** that the City Council of the City of Mattoon, Illinois, will hold a public hearing to consider a proposed Redevelopment Plan and Project, the designation of a redevelopment project area within the City of Mattoon, and the adoption of tax increment financing within that redevelopment project area. Adoption of a Redevelopment Plan and Project, designation of a redevelopment project area and adoption of tax increment financing will be pursuant to the provisions of the Tax Increment Allocation Redevelopment Act (the **Act**). The public hearing will be held on April 3, 2007 at 7:00 p.m. at the City Council Chambers, City Hall, 208 N. 19<sup>th</sup> Street, Mattoon, Illinois 61938-2838. If necessary, the hearing may be adjourned to another date without further notice other than a motion entered upon the minutes fixing the time and place of the subsequent hearing.

The property proposed to be designated as a redevelopment project area is generally located within the following boundaries of the City: **A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS**, and is more particularly described in the legal description which is attached to this notice and made a part of it. At the time and place set forth above, all interested persons and affected taxing districts will be given an opportunity to file with the City Clerk written objections to and be heard concerning the proposed Redevelopment Plan and Project, the proposed designation of a redevelopment project area, and the adoption of tax increment financing within that redevelopment project area.

The proposed Redevelopment Plan and Project involves the redevelopment of the proposed redevelopment project area through tax increment financing and the other powers conferred upon the City by the Act, to reduce or eliminate those conditions which qualify the proposed redevelopment project area as a blighted area under the Act. The City proposes to undertake the redevelopment of the proposed redevelopment project area by reducing or eliminating those conditions that qualify the Redevelopment Project Area as a “blighted area”, by including stormwater detention and retention facilities that will reduce flooding and at the same time increase community recreational opportunities and also including other infrastructure necessary to reduce stormwater runoff within the watershed; encouraging a high-quality appearance of buildings, rights-of-way, and open spaces and encouraging high standards of design; strengthening the economic well-being of the Redevelopment Project Area and the City by increasing high-end business activity, tax base, job and recreational opportunities; assembling and subdividing land into parcels of sufficient shape and size for disposition and redevelopment in accordance with the Redevelopment Plan and Project and contemporary development needs and standards; stimulating private investment in appropriate new construction and the development of a hotel and conference center; achieving attractive development with a complementary mix of uses within the Redevelopment Project Area; providing needed public improvements or facilities in proper relationship to the projected demand for such facilities and in accordance with present-day design standards for such facilities, some of which will, in turn, result in reduced flooding in the watershed; and providing needed incentives to encourage a broad range of improvements. The proposed Redevelopment Plan and Project is more fully described in the “Tax Increment Financing Redevelopment Plan & Project, “South Route 45 Redevelopment Project Area”, a copy of which is [enclosed with this notice and incorporated into this notice by this reference].\*

All persons, including taxpayers, taxing districts and the Department of Commerce and Community Affairs, are invited to submit comments to the City of Mattoon concerning the proposed Redevelopment Plan and Project, the proposed designation of a redevelopment project area and the adoption of tax increment financing within that redevelopment project area at any time prior to the date and time of the hearing. Comments may be submitted to the City Clerk at the address given above.

Each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district and county (“**Local Government Unit**”) that has authority to directly levy taxes on the property within the

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\* For published notice, the language in brackets should be deleted and replaced with: “on file and available for public inspection at the office of the City Clerk, 208 N. 19<sup>th</sup> Street, Mattoon, Illinois.”



proposed redevelopment project area is further notified that the first meeting of the joint review board required under the Act will be held on February 21, 2007, beginning at 2:00 o'clock p.m. at the City Council Chambers, City Hall, 208 N. 19<sup>th</sup> Street Mattoon, Illinois 61938. Local Government Units are requested to appoint members to the joint review board so that they can attend the initial board meeting. A copy of a draft of an eligibility report entitled "Tax Increment Financing Redevelopment Plan & Project "South Route 45 Redevelopment Project Area" and concerning the proposed redevelopment project area is enclosed with this notice. Taxing districts desiring further information should contact the City Administrator or City Attorney and Treasurer of the City at the above address.\*

Dated: February 6, 2007

/s/ Susan J. O'Brien  
City Clerk

**LEGAL DESCRIPTION OF PROPOSED  
REDEVELOPMENT PROJECT AREA  
LEGAL DESCRIPTION  
FOR  
SOUTH ROUTE 45 TIF DISTRICT  
MATTOON, ILLINOIS**

**A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 87° 47' 27" EAST, 138.40 FEET ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN WARRANTY DEED ON DOCUMENT NUMBER 681624 IN THE COLES COUNTY RECORDER'S OFFICE; THENCE NORTH 87° 47' 27" EAST, 447 FEET MORE OR LESS ALONG THE NORTH LINE OF SAID TRACT TO A POINT BEING ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19 STATION 67+22.2, 33 FEET LEFT; THENCE SOUTHEASTERLY 66.00 FEET TO THE SOUTHEASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19; THENCE ALONG THE SOUTHEASTERN RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT IN A SOUTHWESTERN DIRECTION, CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 227.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH ALONG THE EASTERN RIGHT-OF-WAY LINE OF S.A. ROUTE 19, 869.23 FEET TO A POINT OF CURVATURE AT S.A. ROUTE 19 STATION**

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\* Final paragraph to be included only in notices of public hearing for taxing districts.

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**AREA. NET AREA OF TIF DISTRICT WHICH EXCLUDES EXISTING RIGHT-OF-WAY IS 86.2 ACRES, MORE OR LESS.**

**PREPARED BY: HDC ENGINEERING, LLC**

**201 W. SPRINGFIELD AVE.**

**CHAMPAIGN, IL 61820**

**DATE: FEBRUARY 2, 2007**

**HDC PROJECT NO.: 06491 REDEVELOPMENT PROJECT AND PLAN AND ELIGIBILITY REPORT \***

[Attach Here]

STATE OF ILLINOIS )

)

COUNTY OF COLES )

***CERTIFICATION OF RESOLUTION***

I, the undersigned, certify that I am the duly qualified and acting City Clerk of the City of Mattoon, Coles County, Illinois (the “City”), and that as such official I am the keeper of the records and files of the City Council of the City (the “City Council”).

I further certify that the foregoing is a full, true and complete copy of Resolution No. 2007 - 2680 adopted at the regular meeting of the City Council held on the 6th day of February, 2007, which resolution was duly adopted at that meeting by a roll call vote of 5 in favor and 0 against, with 0 abstentions and 0 absent. At that meeting a quorum was present and acting throughout the meeting. The resolution has not been amended or repealed and remains in full force and effect.

I further certify that the deliberations of the City Council on the adoption of the resolution were conducted openly, that the vote on the adoption of the resolution was taken openly, that the meeting was held at a specified time and place convenient to the public, that notice of the meeting was duly given to all of the news media requesting such notice, that a copy of the agenda for the meeting was posted at least 48 hours prior to the convening of the meeting at the meeting place and at my offices at City Hall, that the meeting was called and held in strict compliance with the provisions of the Illinois Open Meetings Act, as amended, and the Illinois Municipal Code, as amended, and that the City Council has complied with all of the provisions of that Act and that Code and with all of the procedural rules of the City Council.

**IN WITNESS WHEREOF**, I hereunto affix my official signature and the seal of the City as of this 6th day of February, 2007.

/s/ Susan J. O'Brien

City Clerk

City of Mattoon,

Coles County, Illinois

[SEAL]

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA  
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA

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\* Omit from notice as published.

Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Resolution 2007-2681, establishing the date, time, and place for a Public Hearing to consider the proposed Business District Plan and Business District Project for the South Route 45 Business District.

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**RESOLUTION NO. 2007-2681**

**RESOLUTION ESTABLISHING A TIME AND PLACE  
FOR PUBLIC HEARINGS TO CONSIDER THE PROPOSED BUSINESS  
DISTRICT PLAN AND BUSINESS DISTRICT PROJECT FOR THE SOUTH  
ROUTE 45 BUSINESS DISTRICT**

BE IT RESOLVED BY THE CITY COUNCIL of the City of Mattoon, Illinois, as follows:

That the City of Mattoon, Illinois hereby establishes February 20, 2007, at 7:00 p.m. at the City Hall, City Council Chambers as the time and place for the first Public Hearing to consider the adoption of a Business District Plan and Business District Project for the South Route 45 Business District, and the creation of a Business District pursuant to the revised Illinois Business District Act, 65 ILCS 5/11-74.3-1 thru 3-6. The following is the legal description of the properties to be included in the South Route 45 Business District.

**LEGAL DESCRIPTION  
FOR  
SOUTH ROUTE 45 BUSINESS DISTRICT  
MATTOON, ILLINOIS**

A tract of land being a part of the Southwest Quarter of Section 36, Township 12 North, Range 7 East of the Third Principal Meridian; the Northwest Quarter and Southwest Quarter of Section 1, Township 11 North, Range 7 East of the Third Principal Meridian; the Northeast Quarter and Southeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian, and part of the Southeast Quarter of Section 35, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 87° 47' 27" East, 138.40 feet along the North line of Southwest Quarter of the Southwest Quarter of said Section 36 to the Northwest corner of a tract described in Warranty Deed on Document Number 681624 in the Coles County Recorder's Office; thence North 87° 47' 27" East, 447 feet more or less along the North line of said tract to a point being on the Northwestern Right-of-Way line of S.A. Route 19 Station 67+22.2, 33 feet left; thence Southeasterly 66.00 feet to the Southeastern Right-

of-Way line of S.A. Route 19; thence along the Southeastern Right-of-Way line on a curve to the left in a Southwestern direction, concave to the Southeast with a radius of 227.44 feet to a point of tangency; thence South along the Eastern Right-of-Way line of S.A. Route 19, 869.23 feet to a point of curvature at S.A. Route 19 Station 55+72.93, 33 feet right; thence along the Southeastern Right-of-Way line on a curve to the right in a Southwesterly direction, concave to the Northwest with a radius of 263.00 feet to a point of intersection with the Eastern Right-of-Way of S.B.I. Route 25 (US Route 45); thence Southerly along the Eastern Right-of-Way line of S.B.I. Route 25 (US Route 45) as monumented and occupied on the following described courses: Southerly to S.B.I. Route 25 Station 31+63.93, 200.00 feet left; Westerly to S.B.I. Route 25 (U.S. Route 45) Station 31+63.93, 146.22 feet left; Southerly to S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 137.4 feet left more or less; thence Westerly to the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45) Station 37+08.79, 125 feet right, point being the Southeast corner of a tract as described in Warranty Deed on Document Number 605770 recorded in Coles County Recorder's Office; thence North 89° 43' 50" West, 477.16 feet along the South line of said tract described on Document Number 605770 to a point being the Northwest corner of a tract as described in Warranty Deed on Document Number 681889; thence Southerly along the Westerly boundary of said tract described on Document Number 681889 to the Northwesterly Right-of-Way line of F.A.I. Route 57 and relocated S.B.I. Route 25 (U.S. Route 45) interchange as monumented and occupied; thence Southwesterly 14.6 feet along said Right-of-Way to F.A.I. Route 57 Station 503+00, 680 feet left; thence Southerly 587.3 feet along said Right-of-Way to F.A.I. Route 57 Station 499+00, 250 feet left; thence Southwesterly 271.6 feet along said Right-of-Way to F.A.I. Route 57 Station 496+45, 156.50 feet left, point also being on the South line of the Northeast Quarter of Section 2, Township 11 North, Range 7 East of the Third Principal Meridian; thence West along the South line of the Northeast Quarter of said Section 2 to the West line of the East half of the Northeast Quarter of said Section 2; thence North along the West line of the East half of the Northeast Quarter of said Section 2 to the Southwest corner of a tract as described in a Trustee's Deed on Book 874 at Page 300 on Document Number 567599 in the Coles County Recorder's Office; thence Easterly 310 feet along the South line of said tract on Document Number 567599 to the Southeast corner of said tract; thence Northerly 702.50 feet along the East line of said tract on Document Number 567599 to the Northeast corner of said tract; thence Westerly 10.00 feet along the North line of said tract on Document Number 567599 to the Southeast corner of a tract as described in a Deed labeled Trailer Park Property on Book 788 at Page 303 in the Coles County Recorder's Office; thence Northerly 660 feet along the East line of said Trailer Park Property to the North line of the Northeast Quarter of said Section 2; thence continue North 20 feet to the Northern Right-of-Way line of Lake Paradise Road; thence Easterly along the Northern Right-of-Way of said Lake Paradise Road to the Southeast corner of the L & K Motel Parcel as described in a Trustee's Deed as Tract II on Document Number 593383 in the Coles County Recorder's Office; thence along the Eastern boundary of said L & K Motel Parcel on the following described courses: North 00° 16' 10" East, 64.82 feet, more or less; North 34° 47' 42" East, 112.06 feet; North 01° 00' 27" West, 50.00 feet; South 88° 59' 33" West, 20.00 feet; North 01° 00' 27" West, 169.11 feet to the Northeast corner of said L & K Motel parcel, point also being the Northwest corner of L & K Restaurant Parcel as described as Tract I on

Document Number 593383 in the Coles County Recorder's Office; thence South 89° 43' 50" East, 145.78 feet more or less to a point the Westerly Right-of-Way line of S.B.I. Route 25 (U.S. Route 45); thence Northerly 950.13 feet more or less to S.B.I. Route 25 (U.S. Route 45) Station 14+85, 100 feet right; thence Easterly to the Point of Beginning, encompassing 59.1 acres, more or less, containing 15.3 acres, more or less, of Right-of-Way area.

Net area of business district which excludes existing Right-of-Way is 43.8 acres, more or less.

Prepared by: HDC Engineering, L.L.C.  
201 W. Springfield Ave.  
Champaign, IL 61820  
Date: February 2, 2007  
HDC Project No.: 06491

Furthermore that the City of Mattoon, Illinois hereby establishes April 3, 2007, at 7:00 p.m. at the City Hall, City Council Chambers as the time and place for a second Public Hearing to consider the adoption of a Business District Plan and Business District Project for the South Route 45 Business District, and the creation of a Business District pursuant to the revised Illinois Business District Act, 65 ILCS 5/11-74.3-1 thru 3-6.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 6th day of February, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White  
NAYS (Names): None  
ABSENT (Names): None

Approved this 6th day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA

Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2007-2682, accepting a \$210,000 Grant of HOME Single Family Housing Rehabilitation Funds and authorizing the Mayor and City Clerk to sign all documents incidental to implementation of the grant program. Mayor White commented the grant is administered by Coles County Regional Planning and Development Commissioner.

**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2007-2682**

**A RESOLUTION ACCEPTING A \$210,000 GRANT OF HOME SINGLE FAMILY  
HOUSING REHABILITATION FUNDS AND AUTHORIZING THE MAYOR AND  
CITY CLERK TO SIGN ALL DOCUMENTS INCIDENTAL TO IMPLEMENTATION  
OF THE GRANT PROGRAM**

WHEREAS, the City of Mattoon (hereinafter **“SPONSOR”**), applied to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program grant funds administered by the Illinois Housing Development Authority (**“IHDA”**), and

WHEREAS, the Sponsor has been awarded a grant (**“Grant”**) from the IHDA, program administrator of the HOME Investment Partnership Program (**“HOME Program”**) for the State of Illinois, in the amount of Two Hundred Ten Thousand and no/100 dollars (\$210,000) under the IHDA’s Single Family Owner Occupied Rehabilitation Program (**“SFOOR”**), and in order to receive such a Grant, the Sponsor must formally accept the terms and conditions of the Grant, including but not limited to the Grant Agreement, and authorize certain of its officials to execute the appropriate documents required in connection with the Grant, and

WHEREAS, it is necessary for the City Council to authorize the Mayor and City Clerk to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds.

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED that the Grant Agreement and the documents identified in the Grant Agreement, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that the Delegation Agreement by and among the Sponsor and Coles County Regional Planning & Development Commission, and the documents identified therein, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.



FURTHER RESOLVED, that either the Mayor or City Clerk is hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Grant Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates as may be necessary or desirable for the Sponsor to perform its obligations under the Grant Agreement.

FURTHER RESOLVED that either the Mayor or City Clerk be and is hereby authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Grant Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

FURTHER RESOLVED, that the acts of the Sponsor and the Mayor or City Clerk in negotiating the Grant Agreement, including those acts taken prior to the date hereof, be, and the same hereby are, in all respects, ratified, confirmed and approved.

Upon motion by Mayor White seconded by Commissioner Schilling adopted this 6<sup>th</sup> day of February, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White.

NAYS (Names): None

ABSENT (Names): None

Approved this 6<sup>th</sup> day of February, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 7, 2007.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of  
February 6, 2007.

/s/ Susan J. O'Brien  
Printed Name: Susan J. O'Brien

The undersigned Mayor of the Sponsor certifies that the person named above is the duly appointed City Clerk of the Sponsor and that the signature set forth immediately above is her genuine signature.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of February 6, 2007.

/s/ Charles E. White

Printed Name: Charles E. White

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White opened the floor for public discussion. Mr. John Craig thanked the Council and others who assisted them with obtaining the RLF loan. Mayor White thanked others for their assistance, including Mr. Doug McDermund of Coles County Regional Planning and Development Commission.

Mayor White seconded by Commissioner Cline moved to adjourn at 7:10 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk

**BILLS AND PAYROLL ARE AVAILABLE IN A SEPARATE FILE.**

## **NEW BUSINESS:**

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### **CITY OF MATTOON, ILLINOIS**

#### **SPECIAL ORDINANCE NO. 2007-1197**

#### **AN ORDINANCE REZONING 1713 MARSHALL AVE. AND 604 LAKE LAND BLVD. FROM C2, ACCOMMODATION COMMERCIAL TO C3, SERVICE COMMERCIAL**

**WHEREAS** there has been filed a written Petition by Ken Diepholz Sr. respectfully requesting a variance in the rezoning of forty thousand (40,000) coterminous square feet required, to allow a twenty-one (21,000) thousand square feet change in zoning from C-2, Accommodation Commercial to C-3, Service Commercial on the property legally described as:

Lots 4, 5, and 6 of Block 206 of the Original Town of Mattoon, now the City of Mattoon,  
situated in the County of Coles and State of Illinois.  
Commonly known as 1713 Marshall Ave. and 604 Lake Land Blvd.

**WHEREAS** the current zoning of the property is C2, Accommodation Commercial, and the rezoning request is in keeping with the zoning along Lake Land Blvd. and will be beneficial to the petitioner for redeveloping the property; and

**WHEREAS** the Board of Zoning Appeals held a properly noticed public hearing on February 6<sup>th</sup>, 2007 regarding petitioner's request for said rezoning; and

**WHEREAS** both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested rezoning be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the rezoning on the premises described in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is rezoned from C-2, Accommodation Commercial to C-3, Service commercial.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

**Section 4.** The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as follows:

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007-1198**

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SETBACK  
REQUIREMENTS TO ENABLE CONSTRUCTION OF A BUILDING AND  
DEVELOPMENT THE 1100 BLOCK OF CHARLESTON AVENUE**

**WHEREAS** there has been filed a written Petition by James Burch and Roy Williams for a variance, respecting the property legally described as:

Lots 7, 10, 11, and 12 of Block 135 in the Original Town of Mattoon,  
now the City of Mattoon, Coles County, Illinois.  
Commonly known as 113 S. 11<sup>th</sup> St., 1100, 1104, 1108 and 1120 Charleston Ave.

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of a building and to reduce the rear yard setback from the center of the alley right-of-way to 15 feet; and

**WHEREAS** the zoning code requires a 22.5 feet rear yard setback from the center of the alley right-of-way on lot in C3, Service Commercial Zoning District; and

**WHEREAS** the Board of Zoning Appeals held a properly noticed public hearing on February 6<sup>th</sup>, 2007 regarding petitioners' request for said variance; and

**WHEREAS** both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the rear yard setback requirement on the above described properties, to enable construction of a building, no closer than 15 feet from the center of the alley right-of-way.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

**Section 4.** The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as follows:

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_  
ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

See **CDR 2007-716** on webpage location:  
[Council Packet for 2/20/2007: CDR 2007-716 Recommendation to Amend the Comprehensive Plan](#)

**City of Mattoon  
Council Decision Request**

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MEETING DATE: 02/20/07   CDR NO: 2007-717   SUBJECT: Award Bid for Bullet Proof  
Vests for officers of the Mattoon Police  
Dept.

SUBMITTAL DATE:   02/14/07

SUBMITTED BY:        Larry L. Metzelaars, Chief of Police, Mattoon Police Dept.

APPROVED FOR        Alan Gilmore  
COUNCIL AGENDA:     City Administrator

\_\_\_\_\_  
Date

EXHIBITS (If applicable):

---

EXPENDITURE FUNDING	AMOUNT	CONTINGENCY
ESTIMATE: \$24,990.00	BUDGETED: None	REQUIRED: None

---

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS  
CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

“I move that the City Council authorize the Chief of Police to purchase 42 bullet proof vests for officers of the Mattoon Police Dept. from Ray O’Herron Company, Inc. of Danville, IL, for the amount of \$24,990.00 of which \$7,108.70 shall be paid from grant funding through the Federal Bullet Proof Vest Partnership Grant Program and the remaining \$17,881.30 shall be paid from Federal Sharing (Omega) funds.”

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

On January 2, 2007, the Mattoon City Council authorized the Chief of Police to advertise for bids for bullet proof vests for officers of the Mattoon Police Department to be paid for using Federal Sharing (Omega) funds.

Specifications were subsequently developed and approved by the City Council. The Request for Bids was published on January 18, 2007, and sealed bids were accepted until 4:00PM on February 7, 2007, at which time they were publicly opened and read aloud in the City Clerk’s Office.

Only two bids were submitted as follows:

Ray O’Herron Co., Inc., Danville, IL	\$24,990.00
Protective Apparel Corp., Jacksboro, TN	\$29,400.00

Chief Larry Metzelaars has reviewed both bids and has determined that both bidders’ products do meet the specifications; therefore, the Chief recommends that the low bid of Ray O’Herron Co., Inc. of Danville, IL should be accepted.

There is currently \$7,108.70 in Mattoon P.D.’s Federal Bullet Proof Vest Partnership Grant Program which will be applied to this purchase, and the remaining \$17,881.30 can be paid from federal Sharing (Omega) funds.



**City of Mattoon  
Council Decision Request**

---

MEETING DATE: February 20, 2007    CDR NO: 2007-718    SUBJECT: Automated  
Read Water Meters

SUBMITTAL DATE:            February 16, 2007

SUBMITTED BY:            J. Preston Owen, City Attorney & Treasurer

EXHIBITS (If applicable):    Listing of Meters Needed

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EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE: \$ 22,015.90	BUDGETED: \$ 0	REQUIRED: \$ 22,015.90

---

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS  
CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

“I move to authorize a \$22,015.90 procurement from Midwest Meter for radio-read  
water meters needed to fully automate the meter reading function.”

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

This follows discussion of the City Council in closed session on May 17, 2005, on the recommendation by the staff to proceed with purchasing the RAMAR units now produced by Blue Tower Communication Ltd. The Kenure Development Group, which acquired the assets and Intellectual Property of AT RAMAR Ltd., formed Blue Tower to produce the radio-read meters.

We are currently ordering the final odd sized meters we need to complete the project. The Attached listing are part of the meters need to finish the installation.

### Radio Read Water Meters to be Purchased

Description	Type	Size	Order Amt.	Unit Price	Total Price
<i>Complete Meters</i>		1"	13	\$208.00	\$2,704.00
<i>Complete Disc Meters</i>	M- 120	1 1/2"	5	\$358.00	\$1,790.00
	M170	2"	17	\$497.00	\$8,449.00
<i>Complete Class 2 Turbo Meters Head Assembly Exchange</i>		3"	4	\$408.00	\$1,632.00
		4"	4	\$408.00	\$1,632.00
<i>Turbo Meters</i>	T- 450	3"	1	\$698.00	\$698.00
	T- 1000	4"	4	\$988.00	\$3,952.00
<i>RTR With Transpondit (Retro Units)</i>	T- 200	2"	3	\$145.00	\$435.00
	T- 1000	4"	4	\$145.00	\$580.00
<i>2" Flange Bolt &amp; Nut Set</i>			24	\$2.50	\$60.00
<i>4" Flange Bolt &amp; Nut Set</i>			8	\$4.00	\$32.00
<i>1 1/2" Elliptical Drop-In Gasket</i>			10	\$0.65	\$6.50
<i>2" Elliptical Drop-In Gasket</i>			34	\$0.85	\$28.90
<i>3" Drop In Gasket</i>			2	\$1.25	\$2.50
<i>4" Drop In Gasket</i>			8	\$1.75	\$14.00
				<b>Total Cost =</b>	<b>\$22,015.90</b>

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2007 -2683**

**A RESOLUTION APPROVING AN UPDATE TO THE CITY'S EQUAL  
EMPLOYMENT OPPORTUNITY PLAN**

**WHEREAS**, the purpose of an Equal Employment Opportunity Plan is to insure full and equal participation of men and women regardless of race or national origin in the workforce of an agency that receives federal grant funds; and

**WHEREAS**, it is now necessary for the City Council to update its Equal Employment Opportunity Plan to maintain continued eligibility for federal grants.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS** that the mayor is authorized to sign a document indicating the Council's approval of an update to the City of Mattoon's "Equal Employment Opportunity Plan", a copy of which is attached hereto and incorporated by reference.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as  
follows:

AYES (Names): \_\_\_\_\_

\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

Attachment

## **CITY OF MATTOON, ILLINOIS**

### **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

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#### **SECTION 1: INTRODUCTORY INFORMATION**

##### **Policy Statement**

It is the continuing policy of the City of Mattoon to afford equal employment opportunity to qualified individuals regardless of their sex, race, creed, age, disability or national origin and to conform to applicable laws and regulations that prohibit discrimination in its programs and activities. Equal opportunity encompasses all aspects of employment practices to include, but not limited to, recruiting, hiring, training, compensation, benefits, promotions, transfers, layoffs, recall from layoffs, discipline, educational, social, and recreational programs. Additionally, it is the policy of this municipality to provide its employees a viable means for communicating and resolving grievances and complaints regarding unlawful discriminatory employment practices. Any employee of the City who fails to comply with this policy is subject to appropriate disciplinary action.

/s/ Charles E. White

---

Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois  
Date of Update: February 21, 2007  
Expiration Date: December 31, 2008

##### **Equal Employment Opportunity Plan**

The purpose of an Equal Employment Opportunity Plan (an, “EEOP”) is to insure full and equal participation of men and women regardless of race or national origin in the workforce of an agency that receives federal grant funds. An EEOP is a comprehensive document that analyzes the agency's workforce in comparison to its relevant labor market data and all agency employment practices to determine their impact on the basis of race, sex, or national origin. The EEOP includes a written analysis that:

- Provides a statistical profile of the internal workforce by race, sex and national origin;
- Presents a breakdown of the available workforce in the community by race, sex, national origin, and job category;
- Compares these breakdowns to identify underutilization of minorities and women in the workforce, if any;
- Gives notice of specific objectives to address any findings of underutilization;
- Identifies problems in employment practices and procedures;
- Identifies specific corrective actions;
- Forms the basis of ongoing evaluation; and

- Discloses how the plan will be disseminated to all employees and to the general public.
- 

The City of Mattoon, Illinois (the, “City”) receives grant funds from a variety of federal sources, including the Federal Emergency Management Agency, the U.S. Department of Justice, the U.S. Department of Treasury, the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency.

The City is regarded as a “recipient agency” required to maintain an EEOP because it is a local unit of government, which has 50 or more employees, has received a total of \$25,000 or more in grants or subgrants and has more than 3 percent minorities in its service area population. The City’s minority population was 3.4% as of the date of the Year 2000 census.

Since the City has received more than \$1 million from the U.S. Environmental Protection Agency as a subgrantee of the Revolving Loan Fund of the Illinois Environmental Protection Agency, it’s expected that a current EEOP will be required for review by grantor agencies with applications for new federal grants.

This EEOP is current with workforce data as of June 30, 2005, which was submitted to the Equal Employment Opportunity Commission (EEOC) on September 9, 2005. The City is required to update its EEOP every two years. It will be scheduled for an update with workforce data as of June 30, 2007 that will be submitted to the EEOC not later than December 31, 2007.

### **Civil Rights Requirements**

ALL FEDERAL GRANT RECIPIENTS, REGARDLESS OF THE TYPE OF ENTITY OR THE AMOUNT AWARDED, ARE SUBJECT TO THE PROHIBITIONS AGAINST DISCRIMINATION IN ANY **PROGRAM OR ACTIVITY** AND MAY BE REQUIRED BY A GRANTOR AGENCY, THROUGH SELECTED COMPLIANCE REVIEWS, TO SUBMIT DATA TO ENSURE THEIR SERVICES ARE DELIVERED IN AN EQUITABLE MANNER TO ALL SEGMENTS OF THE SERVICE POPULATION AND THEIR EMPLOYMENT PRACTICES COMPLY WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS. 28 CFR §42.207 AND §42.301 ET SEQ.

Regulatory Definition: **Recipient** means any state or local unit of government or agency thereof, and any private entity, institution or organization to which Federal financial assistance is extended directly or through such government or agency (i.e., subgrantee or contractor of the recipient agency). 28 CFR § 42.202(n)

In circumstances when the City is the named recipient of a federal grant and will be passing through the financial assistance to a subgrantee or contractor, it may be necessary for the subgrantee or contractor to submit another EEOP with a specific focus upon the workforce of the subgrantee or contractor.

## **Profile of the Local Government**

The City of Mattoon, incorporated in 1857 is located in Coles County in east central Illinois on Interstate 57, 183 miles south of Chicago. It lies 27 miles north of Interstate 70, about midway between St. Louis and Indianapolis. The City presently occupies a land area of approximately 10 square miles. The City's population at the 2000 Census was 18,291 persons.

The City is a non-home rule municipality, which may adopt local ordinances to govern its affairs and provide services, but only if authorized by an enabling state statute. The City provides an extensive array of municipal services including public safety, public works, community development, health, welfare, cemetery, cultural and recreational services, a water and sewer utility as well as internal management support functions. The City is financially accountable for a Public Library, Police and Firefighter Pension Funds, which are reported separately within the City's financial statements.

The City operates under a commission form of local government. The city council, which has policymaking and legislative authority, consists of a mayor and four commissioners. The council members are elected on a nonpartisan "at large" basis every four years to a four-year term. The city council, among other things, is responsible for passing ordinances, resolutions and adopting the annual municipal budget. The council appoints persons to boards, advisory commissions and departmental directors.

In addition to their legislative functions, the mayor and commissioners have individual administrative powers and duties. The mayor is the chief executive officer of the municipality. One commissioner is responsible for finance, another commissioner is responsible for police protection, public works and technology, another commissioner is responsible for fire protection, park maintenance and tourism development. A fourth commissioner is responsible for the municipal water and sewer utilities.

In 2001, the city council established a city administrator position by local ordinance. Departmental operations have been placed under the line management of a city administrator, who functions in a staff capacity and is equally responsible to the mayor and commissioners. The city administrator is responsible for carrying out the ordinances and policies of the city council, preparing and implementing the annual budget and personnel administration. Operating departments are organized in a manner that ensures a line of command answerable to the supervision of responsible elected commissioners, who are assisted by the city administrator and departmental directors in managing day-to-day operations of the municipality.

The city clerk has delegate responsibility for personnel management. The city clerk is responsible for document preparation and retention pertaining to job descriptions, employee classification and compensation, recruitment, selection, performance appraisal, discipline, grievances and termination. The Board of Fire and Police Commissioners is responsible for the appointment, promotion and discipline of Firefighters and Police Officers. Age and physical condition standards apply to these positions.

The following is an identification of current city officials and departmental directors, who may be responsible for federal grant management depending upon the functional character of the grant program or project.

### **CITY COMMISSIONERS**

Charles E. White, Mayor  
Randy Ervin – Fire Protection, Parks & Tourism Development  
Joseph McKenzie – Police Protection, Public Works & Technology  
David Schilling -Water & Sewer Utilities  
David Cline – Revenue & Finance

### **CITY ADMINISTRATOR**

Alan Gilmore

### **CITY ATTORNEY**

J. Preston Owen

### **CITY CLERK**

Susan J. O'Brien

### **DEPARTMENT DIRECTORS**

City Treasurer	J. Preston Owen
Public Works Director	David Wortman
Police Chief	Larry Metzelaars
Fire Chief	Michael Chism
Community Development Coordinator	Kyle Gill
Public Works Superintendent	Chris Hartbank
Lake & Parks Superintendent	Kurt Stretch
Tourism Coordinator	Angelia Burgett
Library Director	Jennie Cisna

The official name of the local government is “City of Mattoon, Coles County, Illinois, a municipal corporation”. Its mailing address is 208 North 19<sup>th</sup> Street, Mattoon, Illinois 61938. Its main phone number is that of the City Clerk’s Office, (217) 235-5654.

The annual independent audit of the financial statements of the City includes a federally mandated “Single Audit” designed to meet the special needs of federal grantor agencies. The standards governing Single Audit engagements require the independent auditor to report not only on the fair presentation of the financial statements, but also on the audited government’s internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards. These reports are available for public inspection in the City’s separately issued Single Audit report.

The schedule of expenditures of federal grant awards reported in the Single Audit for the City's fiscal year that ended April 30, 2006 were as follows:

U.S. Department of Housing and Urban Development	206,436
U.S. Department of Justice	202,359
Museum and Library Services	69,771
U.S. Department of Homeland Security	79,690
Total Federal Awards	<u>\$ 558,256</u>

### **Personnel Management & Operations Overview**

The previous EEOP articulated an objective of the City to employ a workforce that reasonably reflects the composition of the population within the boundaries of the municipality. Providing equal employment opportunity to all people regardless of race, color, region, sex, age, ancestry or national origin has been another objective.

The job level inventory compared to the workforce analysis in the previous EEOP showed "a slight underutilization of female employees in the category where women have historically not applied for positions, i.e. laborers, machine operators, police officers and firefighters." It showed "an underutilization of minorities since the minority population in the area from where city employees are hired was very low (0.9% county, 0.9% city)." Statistics were not available at that time concerning minorities, older citizens and female percentages in the service area workforce.

The current administration of the municipality is not aware of ANY findings of discrimination by a federal or state court or administrative agencies against the City, its subgrantees or contractors.

It's been difficult to improve the utilization of women and minorities in the workforce over the last two years due to the economic recession. Coles County has seen a reduction in jobs with the closing of several major manufacturing facilities. As a result, residents have had less disposable income and the City has received less sales tax and state shared revenues. The annual payroll of the City was reduced about \$535,000 between calendar year 2002 and 2003 by reducing the workforce by 32 positions: 15 in Public Works, 14 in the Police Department and 3 in the Fire Department. The workforce reduction was accomplished by early retirement incentives, attrition and non-replacement of employees. Since 2003 the City has maintained its workforce and has not hired replacement employees for the positions eliminated between 2002 and 2003. The City has established new positions for job skills that were not previously be carried out by the municipality.

Since the incumbent City Council assumed office in May of 2005, three persons have been appointed to management positions in the officials/administrators job category. Two were promoted from within the existing workforce; none were women, none were minorities.



## SECTION 2: THE CITY'S WORKFORCE

This section presents a statistical breakdown of the City's current workforce for each job category broken down by gender within each racial, color, and national origin group. It includes full and part-time employees. Blanks are counted as zero. This workforce data is as of June 30, 2005, which was submitted to the Equal Employment Opportunity Commission on September 9, 2005.

Job Category	Totals	Male						Female				
		W	B	H	A/PI	AI/AN		W	B	H	A/PI	AI/AN
Officials/Administrators	15 100%	12 80%						3 20%				
Professionals	20 100%	18 90%						2 10%				
Technicians	2 100%	2 100%										
Protective Service	63 100%	56 89%						7 11%				
Para-Professionals	5 100%							5 100%				
Admin Support	14 100%							14 100%				
Skilled Craft	21 100%	20 95%						1 5%				
Service / Maintenance	28 100%	27 96%	1 4%									
Totals	168 100%	135 80%	1 1%					32 19%				

### KEY

W – White

B- Black

H – Hispanic

A/PI – Asian or Pacific Islander

AI / AN – American Indian or Alaska Native

## SECTION 3: COMMUNITY POPULATION STATISTICS

Agencies are instructed to provide statistical breakdown (similar to that presented above) of the available community workforce for each job category broken down by gender within each racial, color, and national origin group.

The 2000 census labor data, broken into the eight EEO job groups required for EEOP preparation, is not yet available. Until that data is released, agencies are instructed to use 1990 census data for updating an EEOP. Since more up-to-date 2000 census data is available that shows Mattoon's population segregated by sex and race, it will be used for this update to the EEOP.

2000 Census Data  
City of Mattoon, Illinois

Subject	Number	Percent
<b>Sex:</b>		
Male	8,865	47.3%
Female	9,632	52.7%
<b>Race:</b>		
White	17,676	96.6%
Black	260	1.4%
Hispanic	232	1.3%
Two or more races	170	0.9%
Asian & Pacific Islander	77	0.4%
Some Other Race	75	0.4%
American Indian / Alaska Native	33	0.2%

**SECTION 4A: WORKFORCE UTILIZATION ANALYSIS**

Job Category	Male						Female					
	W	B	H	A/PI	AI/AN		W	B	H	A/PI	AI/AN	
Officials/Administrators Workforce												
Community Population	80.0%	0%	0%	0%	0%		20.0%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	32.7%	-1.4%	-1.3%	-0.4%	-0.2%		-32.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Professionals Workforce												
Community Population	90.0%	0%	0%	0%	0%		10%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	42.7%	-1.4%	-1.3%	-0.4%	-0.2%		-42.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Technicians Workforce												
Community Population	100%	0%	0%	0%	0%		0%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	52.7%	-1.4%	-1.3%	-0.4%	-0.2%		-52.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Protective Service Workforce												
Community Population	89.0%	0%	0%	0%	0%		11%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	41.7%	-1.4%	-1.3%	-0.4%	-0.2%		-41.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Para-Professional Workforce												
Community Population	0%	0%	0%	0%	0%		100%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	-47.3%	-1.4%	-1.3%	-0.4%	-0.2%		-47.3%	-1.4%	-1.3%	-0.4%	-0.2%	
Admin Support Workforce												
Community Population	0%	0%	0%	0%	0%		100%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	-47.3%	-1.4%	-1.3%	-0.4%	-0.2%		-52.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Skilled Craft Workforce												
Community Population	95%	0%	0%	0%	0%		5%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	47.7%	-1.4%	-1.3%	-0.4%	-0.2%		-47.7%	-1.4%	-1.3%	-0.4%	-0.2%	
Service / Maintenance Workforce												
Community Population	96%	4%	0%	0%	0%		0%	0%	0%	0%	0%	
Utilization	47.3%	1.4%	1.3%	0.4%	0.2%		52.7%	1.4%	1.3%	0.4%	0.2%	
	48.7%	2.6%	-1.3%	-0.4%	-0.2%		-52.7%	-1.4%	-1.3%	-0.4%	-0.2%	

The foregoing chart compares the City's workforce with that of the community population to determine if, and in what job categories, women and/or minorities (cross-classified by gender) are under-represented in the City's workforce.

This utilization analysis forms the basis for updating the EEO plan and is obtained by comparing the information presented in Section 2 with that in Section 3. The format is presented in terms of percentages. Utilization figures are determined by subtracting the percentages obtained in Section 3 from those obtained in Section 2. In other words as shown in the foregoing workforce utilization analysis chart, white females comprise 20% of administrator employees. White females make up 52.7% of the population. 52.7% is subtracted from 20%. The resulting figure, -32.7%, is placed in the block on the utilization analysis for female administrators. This process is repeated for all categories of the EEO job categories. The higher the negative number in the rows titled "Utilization", the higher the under-representation of women and minorities in the City's workforce in that particular job category.

#### **SECTION 4B: UTILIZATION REVIEW NARRATIVE**

Community population statistics show that minority populations are very small in Mattoon:

- The African-American population is 1.4%;
- The Hispanic population is 1.3%;
- The Asian/Pacific Islander and American Indian/Alaskan Native populations combined are less than 1%.

The number and percentage of minority employees in the City's workforce is also very small. Minorities are under utilized in all job categories of the workforce except service / maintenance jobs, where only the number of male African-Americans employed resemble the community population.

***Women, however, are under utilized in every job category of the City's workforce except administrative support positions.***

Where minorities are less than 3% of the population of the service area of a local government, an EEOP must still be prepared, but the focus must be upon employment practices affecting women in the workforce. The City, however, will still attempt to increase the representation of all under utilized ethnic groups.

#### **SECTION 5: OBJECTIVES**

The City is committed to making its workforce profiles more closely reflect the community population. The primary objective of this EEOP is to increase the number of women in the workforce. Particular emphasis will be given to positions in the professional, technician, skilled craft and maintenance worker job categories of the workforce; where under-representation of women is more than 40%.

Since promotions are generally governed by collective bargaining agreements where preference is given for promotions to seniority and proficiencies of existing employees, for the period of this EEOP the focus will be upon recruitment practices for entry-level positions to ensure that women and members of all minority groups (regardless of sex) are receiving equal opportunity to secure employment.

## **SECTION 6: STRATEGIES TO ACHIEVE OBJECTIVES**

1. Provide training to members of the City Council, the Board of Fire & Police Commissioners and Departmental Directors on this Equal Employment Opportunity Plan and the consequences of failure to achieve its objectives.
2. Review job requirements and hiring procedures to ensure no unnecessary barriers exist that would deny equal employment opportunity to women and minorities in all job categories.
3. Use teams of existing women employees to establish a mentoring program to assist in the recruitment for women and minority hires and the further development of their job related knowledge and skills if such persons are hired.
4. Participate at job fairs, which target women and minorities
5. Encourage women currently in the workforce to take advantage of reimbursement for training expense that will increase job-related knowledge, skills and abilities.
6. Monitor progress toward the achievement of EEO objectives with another analysis of the workforce compared to the local labor market as of December 31<sup>th</sup> of each year.

## **SECTION 7: DISSEMINATION**

### External

- Continue to include the statement “The City of Mattoon is an Equal Opportunity Employer” on all job applications and postings.
- Post this update to the EEOP on the City’s web page.

### Internal

- Conspicuously post this EEOP on departmental bulletin boards throughout the City
- Periodically brief Commissioners and Departmental Directors to ensure they are familiar with the City’s EEO objectives.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007-1199**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN  
THE CITY OF MATTOON, ILLINOIS AND APOSTOLIC CHURCH-TIME  
THEATER BLDG. IN CONNECTION WITH THE MATTOON MIDTOWN  
REDEVELOPMENT PROJECT AREA**

**WHEREAS**, APOSTOLIC CHURCH-TIME THEATER BLDG. and (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and

approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as  
follows:

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_  
ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

Attachment (1) - EXHIBIT "A"

## **EXHIBIT “A”**

### **GRANT AGREEMENT**

This Grant Agreement is made this 20<sup>th</sup> day of February, 2007, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the “Grantor”), and Apostolic Church-Time Theater Bldg. of 1416 Broadway Avenue, Mattoon, Coles County, Illinois, (hereinafter the “Grantee”), as follows:

1. Grantor does grant unto Grantee up to the sum of Forty Thousand, Four Hundred and Forty Dollars (\$40,440.00) to be disbursed as hereinafter described, subject to the following terms and conditions:

A. It is agreed and understood that said grant shall be for the sole purpose of making restorations to tuck pointing the exterior masonry surfaces and new roof system at 1416 Broadway Avenue, Mattoon, Coles County, Illinois. Said exterior restoration shall be pursuant to a design which first must be acceptable to the City of Mattoon. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. Said design must include, but is not necessarily limited to, not only a rendering of the end result, but also a list of specifications such as material type, colors, and construction methods. Since this is a historical restoration project, the City of Mattoon reserves the right to demand a high level of detail concerning design, materials, colors and other construction aspects, and, further, demands strict adherence to said design. This grant is specifically contingent upon the undersigned first receiving initial design approval from the City. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design specifications; prior consent from the City of Mattoon before any alterations or

changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby agrees to assume all responsibility for any damages or claims for damages as a



result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

B. It is agreed and understood that the grant shall be for the purpose of tuck pointing the exterior masonry surfaces and a new roof system of the building at 1416 Broadway Avenue, Mattoon, Coles County, Illinois.

C. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Forty Thousand, Four Hundred and Forty Dollars (\$40,440.00) as determined by the City's authorized agent.

D. Said grant is to be used solely for the following described real estate, commonly known as 1416 Broadway Avenue, Mattoon, Illinois, but more specifically described as:

Lot six (6) Block One Hundred and Nineteen (119), Original Town, now City of Mattoon, Coles County, Illinois Commonly Known as 1416 Broadway

E. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

F. It is agreed and understood that improvement of said real estate shall also include repairing to tuck pointing the exterior masonry surfaces and new roof system at 1416 Broadway Avenue. Grantee warrants that the total value of the improvements at 1416 Broadway Avenue shall not be less than Forty Thousand, Four Hundred and Forty Dollars (\$40,440.00) , including the grant authorized by this agreement.

2. Grantor shall disburse the grant funds to Grantee in annual partial payments. These partial payments shall begin on September 1, in the year following the completion of all the restoration/renovation work and said annual payments shall continue to be paid on each September 1<sup>st</sup> thereafter for a period of four years. The amount of each partial payment shall be Four Thousand and 44/100 dollars (\$4,044.00) or 10% of the actual construction cost for the work authorized within the scope of this grant, whichever is less, as certified by the City's authorized agent. The payments shall only be made if this grant is valid and in full force at the time the payment is to be made.

3. This Grant is expressly contingent upon the execution of this grant agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant, and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Council Decision Request approved by the

City Council of the City of Mattoon meeting in regular session on February 6, 2007 and a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on February 20, 2007.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business or businesses, including chiropractic physician offices and office/general business use, and that it is not its intention to use the grant money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50% rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within five years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

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Apostolic Church-Time Theater Bldg.

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Charles E. White, Mayor

ATTEST:

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Susan J. O'Brien, City Clerk

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007- 1200**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN  
THE CITY OF MATTOON, ILLINOIS AND STEVE HARDIN: JACK AND  
BILL'S CLOTHING; IN CONNECTION WITH THE MATTOON MIDTOWN  
REDEVELOPMENT PROJECT AREA**

**WHEREAS**, STEVE HARDIN: JACK AND BILL'S CLOTHING; and (the "**Grantee**"), has submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and

approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as  
follows:

AYES (Names): \_\_\_\_\_

\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

Attachment (1) - EXHIBIT "A"

## **EXHIBIT “A”**

### **GRANT AGREEMENT**

This Grant Agreement is made this 20<sup>th</sup> day of February, 2007, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the “Grantor”), and Steve Hardin: Jack and Bill’s Clothing; of 1628 Broadway Avenue, Mattoon, Coles County, Illinois, (hereinafter the “Grantee”), as follows:

1. Grantor does grant unto Grantee up to the sum of Thirty Eight Thousand, One Hundred and Eighty Dollars (\$38,180.00) to be disbursed as hereinafter described, subject to the following terms and conditions:

G. It is agreed and understood that said grant shall be for the sole purpose of making restorations to the building for a new façade with new signage on the front and back along with emergency structural repairs to the stores rear entrance at 1628 Broadway Avenue, Mattoon, Coles County, Illinois. Said exterior restoration shall be pursuant to a design which first must be acceptable to the City of Mattoon. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. Said design must include, but is not necessarily limited to, not only a rendering of the end result, but also a list of specifications such as material type, colors, and construction methods. Since this is a historical restoration project, the City of Mattoon reserves the right to demand a high level of detail concerning design, materials, colors and other construction aspects, and, further, demands strict adherence to said design. This grant is specifically contingent upon the undersigned first receiving initial design approval from the City. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design

specifications; prior consent from the City of Mattoon before any alterations or changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby



agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

H. It is agreed and understood that the grant shall be for the purpose of making restorations to the building for a new façade with new signage on the front and back along with emergency structural repairs to the stores rear entrance of the building at 1628 Broadway Avenue, Mattoon, Coles County, Illinois.

I. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Thirty Eight Thousand, One Hundred and Eighty Dollars (\$38,180.00) as determined by the City's authorized agent.

J. Said grant is to be used solely for the following described real estate, commonly known as 1628 Broadway Avenue, Mattoon, Illinois, but more specifically described as:

West Twenty Four (24) feet of the East Ninety (90) feet of Lot Twenty Three (23) therein Block One Hundred Seventeen (117) in the Assessors Subdivision of the Original Town, now City of Mattoon, Coles County, Illinois

K. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

L. It is agreed and understood that improvement of said real estate shall also include making restorations to the building for a new façade with new signage on the front and back along with emergency structural repairs to the stores rear

entrance of 1628 Broadway Avenue. Grantee warrants that the total value of the improvements at 1628 Broadway Avenue shall not be less than Thirty Eight Thousand, One Hundred and Eighty Dollars (\$38,180.00) , including the grant authorized by this agreement.

2. Grantor shall disburse the grant funds to Grantee in annual partial payments. These partial payments shall begin on September 1, in the year following the completion of all the restoration/renovation work and said annual payments shall continue to be paid on each September 1<sup>st</sup> thereafter for a period of four years. The amount of each partial payment shall be Three Thousand, Eight Hundred and Eighteen Dollars (\$3,818.00) or 10% of the actual construction cost for the work authorized within the scope of this grant, whichever is less, as certified by the City's authorized agent. The payments shall only be made if this grant is valid and in full force at the time the payment is to be made.

3. This Grant is expressly contingent upon the execution of this grant agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant.

and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Council Decision Request approved by the City Council of the City of Mattoon meeting in regular session on February 6, 2007 and a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on February 20, 2007.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business or businesses, including chiropractic physician offices and office/general business use, and that it is not its intention to use the grant money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50% rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within five years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

\_\_\_\_\_  
Steve Hardin: Jack and Bill's Clothing

\_\_\_\_\_  
Charles E. White, Mayor

ATTEST:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007- 1201**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN  
THE CITY OF MATTOON, ILLINOIS AND RENEE ENGLAND: MERLE  
NORMAN COSMETICS IN CONNECTION WITH THE MATTOON MIDTOWN  
REDEVELOPMENT PROJECT AREA**

**WHEREAS**, RENEE ENGLAND: MERLE NORMAN COSMETICS (the “**Grantee**”), have submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and

approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as follows:

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

Attachment (1) - EXHIBIT "A"

## **EXHIBIT "A"**

### **GRANT AGREEMENT**

This Grant Agreement is made this 6th day of February, 2007, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the "Grantor"), and RENEE ENGLAND: MERLE NORMAN COSMETICS of 1608 Broadway, Mattoon, Coles County, Illinois, (hereinafter the "Grantee"), as follows:

1. Grantor does grant unto Grantee up to the sum of Two Thousand Dollars (\$2,000.00), to be disbursed as hereinafter described, subject to the following terms and conditions:

M. It is agreed and understood that said grant shall be for the sole purpose of awning replacement and exterior lighting at 1608 Broadway Avenue, Mattoon, Coles County, Illinois. Said exterior restoration shall be pursuant to a design which first must be acceptable to the City of Mattoon. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design specifications; prior consent from the City of Mattoon before any alterations or changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain

control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

N. It is agreed and understood that the grant shall be for the purpose of replacement awning and exterior lighting at 1608 Broadway Avenue, Mattoon, Coles County, Illinois.



- O. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Two Thousand Dollars (\$2,000.00) as determined by the City's authorized agent.
- P. Said grant is to be used solely for the following described real estate, commonly known as 1608 Broadway Avenue, Mattoon, Illinois, but more specifically described as:
- Lot Sixteen (16) Block One Hundred and Seventeen (117) in the Original Town, now City of Mattoon, Coles County, Illinois
- Q. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.
- R. It is agreed and understood that improvement of said real estate shall also include replacing the awning of 1608 Broadway Avenue and replacing the exterior lighting of the building premises at 1608 Broadway Avenue. Grantee warrants that the total value of the improvements at 1608 Broadway Avenue shall not be less than Two Thousand Dollars (\$2,000) including the grant authorized by this agreement.
2. Grantor shall disburse the grant funds to Grantee following the completion of all the restoration/renovation work of the actual construction cost for the work authorized within the scope of this grant, as certified by the City's authorized agent. The payment (s) shall only be made if this grant is valid and in full force at the time the payment is to be made.

3. This Grant is expressly contingent upon the execution of this grant agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant, and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on February 20, 2007.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business, including offices and office/general business use, and that it is not its intention to use the grant money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50%

rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within three years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

\_\_\_\_\_  
Renee England: Merle Norman Cosmetics

\_\_\_\_\_  
Charles E. White, Mayor

ATTEST:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007-1202**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN  
THE CITY OF MATTOON, ILLINOIS AND MIKE KALLIS: SOUND SOURCE  
MUSIC IN CONNECTION WITH THE MATTOON MIDTOWN  
REDEVELOPMENT PROJECT AREA**

**WHEREAS**, MIKE KALLIS: SOUND SOURCE MUSIC (the “**Grantee**”), have submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area..

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and

approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by a roll call vote, as  
follows:

AYES (Names): \_\_\_\_\_

\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk

\_\_\_\_\_  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on \_\_\_\_\_, 2007.

Attachment (1) - EXHIBIT "A"

## **EXHIBIT “A”**

### **GRANT AGREEMENT**

This Grant Agreement is made this 20th day of February, 2007, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the “Grantor”), and MIKE KALLIS: SOUND SOURCE MUSIC of 1609 Broadway, Mattoon, Coles County, Illinois, (hereinafter the “Grantee”), as follows:

1. Grantor does grant unto Grantee up to the sum of Five Thousand Dollars (\$5,000.00), to be disbursed as hereinafter described, subject to the following terms and conditions:

S. It is agreed and understood that the grant shall be for the sole purpose for a structural analysis of the building to determine the feasibility of modifying the façade to eliminate one of the entrances and relocating wall to convert upper story space into apartments at 1609 Broadway Avenue, Mattoon, Coles County, Illinois. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design specifications; prior consent from the City of Mattoon before any alterations or changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain

obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

T. It is agreed and understood that the grant shall be for the purpose of a structural analysis of the building to determine the feasibility of modifying the

façade to eliminate one of the entrances and relocating wall to convert upper story space into apartments at 1609 Broadway Avenue, Mattoon, Coles County, Illinois.

U. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Five Thousand Dollars (\$5,000.00) as determined by the City's authorized agent.

V. Said grant is to be used solely for the following described real estate, commonly known as 1609 Broadway Avenue, Mattoon, Illinois, but more specifically described as:

Lot Three (3) Block One Hundred and Forty (140) in the Original Town, now  
City of Mattoon, Coles County, Illinois

W. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

X. It is agreed and understood that improvement of said real estate shall also include structural analysis of the building to determine the feasibility of modifying the façade to eliminate one of the entrances and relocating wall to convert upper story space into apartments at 1609 Broadway. Grantee warrants that the total value of the improvements at 1609 Broadway Avenue shall not be less than Five Thousand Dollars (\$5,000.00) including the grant authorized by this agreement.

2. Grantor shall disburse the grant funds to Grantee following the completion of all the restoration/renovation work of the actual construction cost for the work authorized within the scope of this grant, as certified by the City's authorized agent. The payment (s)



shall only be made if this grant is valid and in full force at the time the payment is to be made.

3. This Grant is expressly contingent upon the execution of this grant agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant, and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on February 20, 2007.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business, including offices and office/general business use, and that it is not its intention to use the grant money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant

based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50% rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within three years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

\_\_\_\_\_  
Mike Kallis: Sound Source Music

\_\_\_\_\_  
Charles E. White, Mayor

ATTEST:

\_\_\_\_\_  
Susan J. O'Brien, City Clerk